IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10705 of 2004

Between:

1 M.Venkatesh Babu, s/o M.Janardhana Rao,
Divisional Accounts Officer (Works) Grade I Office of the Executive Engineer, I.D.Division, Medak.
2 J.Manohar, s/o late Sri Gopalaiah,
Divisional Accounts Officer (works) Grade I R& B Division, Warangal.
3 I.Vishnudatta Raya, s/o late Sri I.V.Srinivasa Rao,
Divisional Accounts Officer (Works) PH Division, Warangal.
4 V.Srinivas, s/o V.Appa Rao,
Z.P.Kakinada, East Godavari District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh Department of Finance (WA-II)
Secretariat, Hyderabad rep., by Principal Secretary to Government (Works & projects)
2 The Director of Works Accounts, Government of Andhra Pradesh,
M.J.Road, Hyderabad.
3 D.Sanjeeva Rao, s/o Muttaiah,
RWS Division, Parigi, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the A.P.Administrative Tribunal passed in OA No.206/2000 and C.A.396/1999 and the order passed in M.A.No.3984/2002 in O.A.No.206/2000 dated 8-1-2003 and

the consequential notice issued by the 1st respondent in Memo No.38401/50/A1/WA -II/2003-2 dated 14-1-2004 as illegal, arbitrary and is in violation of principles of natural justice.

Counsel for the Petitioners: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR FINANCE & PLANNING

Counsel for the Respondent No.3: N.JANAKIRAMA RAO, Advocate.

The Court made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.10705 of 2004

JUDGMENT:(PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)

Both the learned counsel agreed that an order identical to the order passed in W.P.No.1448 of 2004 dated 29.03.2004 also be passed in this writ petition. In fact, the order in the above mentioned writ petition is relevant and reads as follows:

> *"Vacate Stay Petition has been filed. We have heard the learned counsel for the parties. The vacate stay petitioner has obtained an order from the Tribunal without making the Writ petitioner a party and it is the admitted case of the parties that if the order of the Tribunal is implemented, the seniority of the writ petitioner would get affected adversely. Therefore, we do not think at this stage the stay can be vacated. At this stage, the learned counsel for the parties submitted that they would have no objection if the order of the Tribunal is set aside and the matter is remanded back to the Tribunal after arraying the writ petitioner as a respondent in the O.A. We order accordingly and dispose of the Writ Petition by setting aside the order of the Tribunal, directing the Tribunal to array Writ Petitioner as respondent in the O.A. and decide the matter afresh."*

Therefore, the writ petition is disposed of in terms of writ petition No.144455c 8 of 2004, dated 29.03.2004, as indicated above.

J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 28th September, 2004.

YCR/MRK

To

1 The Principal Secretary to Government (Works & Projects),

Government of Andhra Pradesh, Department of Finance (WA-II)
Secretariat, Hyderabad.

2 The Director of Works Accounts, Government of Andhra Pradesh,
M.J.Road, Hyderabad.

3 2 C.Cs to GP For Finance & Planning, High Court Buildings, Hyderabad. (O.U.T)

4. 2 C.D. copies.